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26263	7590	07/07/2006	EXAMINER	
SONNENSCHN NATH & ROSENTHAL LLP			WONG, WARNER	
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CHICAGO, IL 60606-1080			2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,110

Applicant(s)

SAITO, SHIN

Examiner

Warner Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9, 11-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Regarding claims 1 and 11-13, Ishiyama describes an apparatus/method/ computer with storage medium executing software/software program (col. 15, lines 7-35):

a storage means (unit) for storing first position information representing an initial position of said information processing apparatus and second position information representing an initial position of said another information processing apparatus when communication is established with said another information processing apparatus (fig. 7 & col. 8, lines 50-54, where the Mobile Node (MN) (information processing apparatus) stores its COA1 = initial position, and CN address (second position information

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representing an initial position) of the CN (another information processing apparatus) when communication has been established);

a receiver means (unit) for receiving data from said another information processing apparatus (fig. 7, where MN receives data from CN (another information processing apparatus));

an acquisition means (unit) for acquiring third position information representing a current position of said information processing apparatus (fig. 7 & col. 8, lines 50-58, where the MN acquires COA2 = current position);

a first determining means (unit) for determining whether the third position information acquired by said acquisition means (unit) corresponds to the first position information stored in said storage means (unit) (col. 8, lines 55-58, where the local mobile determines that the position information of its COA2 is different than COA1).

an authenticator means (unit) for authenticating the data received by said receiver means (unit), based on a result of determination provided by said first determining means (unit) (col. 10, lines 15-25, where the IPsec module of the MN checks the security association (authenticates) from dst field =COA2 of fig. 7 message #7), based on result of moving to a new location).

Regarding claims 14 and 23-25, Ishiyama describes an apparatus/method/ computer with storage medium executing software/software program program (col. 15, lines 7-35):

storage means (unit) for storing first position information representing an initial position of said information processing apparatus (col. 8, lines 50-54, where the

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information processing apparatus [hereinafter referred to as the "local mobile"] stores its COA1 = initial position), and second position information representing an initial position of said another information processing apparatus when communication is established with said another information processing apparatus (fig. 7, where the "another information processing apparatus" [hereinafter referred to as the "remote mobile"] is also another mobile. In this case, when communication between the apparatuses is established, the local mobile will receive from the remote mobile a message #2 of fig. 7 containing COA1, the initial position of "another information processing apparatus");

first acquisition means (unit) for acquiring third position information representing a current position of said information processing apparatus (col. 8, lines 50-58, where the local mobile acquires COA2 = current position similarly to that of COA1 described on col. 8, lines 36-38);

first determining means (unit) for determining whether the third position information acquired by said acquisition means (unit) corresponds to the first position information stored in said storage means (unit) (col. 8, lines 55-58, where the local mobile determines that the position information of its COA2 is different than COA1);

second determining means (unit) for determining whether the fourth position information read by said reader means (unit) corresponds to the second position information stored in said storage means (unit) (col. 8, lines 66-67 & col. 9, lines 1-4, where the remote mobile's COA change is detected);

transmitter means (unit) for transmitting data to said another information processing apparatus, based on results of determination provided by said first and second

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determining means (unit) (col. 8, lines 55-67 & col. 9, lines 1-4, where the local mobile updates its local COA, plus receiving a message #6 of fig. 7 from the remote mobile indicating that the remote COA has been changed, and sends message #7 of fig. 7 comprising all the new COA's).

Regarding claim 2, Ishiyama further describes:

reader means (unit) for reading fourth position information of said information processing apparatus, forming a destination address and fifth position information of said another information processing apparatus, forming a source address, contained in the data received by the said receiver means (unit), when the result of determination provided by said first determining means (unit) indicates that the third position information fails to correspond to the first position information (fig. 7 & col. 8, lines 59-67 & col. 9, lines 1-4, where the local mobile receives from the remote mobile message #6, containing a header with (1) the local mobile's COA = fourth position [yet another moved COA position] information for use as part of the destination address and (2) the remotes mobile's COA = fifth position information for use of as part of the source address, and recognizes that the local mobile [itself] already has a new/changed COA);

second determining means (unit) for determining whether the fifth position information read by said reader means (unit) corresponds to the second position information stored in said storage means (unit) (col. 8, lines 66-67 & col. 9, lines 1-4, where the remote mobile's COA change is detected).

Regarding claim 3, Ishiyama further describes substituting means (unit) for substituting the first position information with the fourth position information when the

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result of determination provided by said first determining means (unit) indicates that the third position information fails to correspond to the first position information (col. 8, lines 59-63, where the local mobile substitute its memory holding its COA address with yet another changed COA2' address, i.e. COA1 -> COA2 -> COA2');

Regarding claim 15, Ishiyama further describes substituting means (unit) for substituting the first position information with the third position information when the result of determination provided by said first determining means (unit) indicates that the third position information fails to correspond to the first position information (col. 8, lines 59-63, where the local mobile substitute its memory holding its COA1 address with the COA2 address, i.e. COA1 -> COA2);

Regarding claims 4 and 16, Ishiyama further describes substituting means (unit) for substituting the second position information for the fifth position information when the result of determination provided by said second determining means (unit) indicates that the fifth position information fails to correspond to the second position information (col. 8, lines 66-67 & col. 9, lines 1-4, where the remote mobile's new COA change is detected upon receiving the message and is used).

Regarding claims 5 and 18, Ishiyama further describes that the fourth position information is assigned to a portion of the most significant bits (MSB) of the destination address (fig. 7 & col. 8, lines 40-42, where the illustrated packet to the local mobile & RFC2002 indicates that the COA resides at the MSB of the destination addressing set of [COA + destination address]).

Regarding claims 6 and 19, Ishiyama further describes that the fifth position information is assigned to a portion of the most significant bits of the source address (fig. 7 & col. 8, lines 40-42, where the illustrated packet from the remote mobile & RFC2002 indicates that the COA resides at the MSB of the source addressing set of [COA + source address]).

Regarding claim 7, Ishiyama further describes that the authenticator means (unit) uses the first and second position information to authenticate the data received by said receiver means (unit) (col. 9, lines 47-49, where RFC2401 is incorporated & defines IPsec, and col. 10, lines 15-25, where when a packet is received, IPsec specifies the use of destination address 'dst' to determine the security association SA, and searches the SPD where each entry may map to a source address RFC2401 section 4.4.1).

Regarding claims 8 and 20, Ishiyama further describes the notifying means (unit) for notifying an information storage device connected to said network of the fourth/fifth position information representing the current position of said information processing apparatus, and identification information identifying said information processing apparatus, when said information connected to another network (col. 9, lines 11-13, where the mobile sends to the DNS = information storage device an update message containing its current COA [of another network]).

Regarding claims 9 and 21, Ishiyama further describes that the identification information is a terminal identifier identifying said information processing apparatus over

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said network (col. 9, lines 11-13, where the update message includes it's source address = terminal identifier).

Regarding claim 17, Ishiyama describes:

the transmitter means (unit) sets, at a source address, the third position information acquired by said first acquisition means (unit), sets, at a destination address, the fourth position information acquired by said second acquisition means (unit), and transmits the data (col. 8, lines 55-67 & col. 9, lines 1-4, where the local mobile updates its local COA, plus receiving a message #6 of fig. 7 from the remote mobile indicating that the remote COA has been changed, and sends message #7 of fig. 7 comprising all the new COA's).

Ishiyama further describes that the packets are IP (col. 7, lines 7-14), which inherently performs:

calculating means (unit) for calculating additional information, to be added to the data, from the first and second position information stored in said storage means (unit) and adding means (unit) for adding said additional information calculated by said calculating means (unit) to the data, to which the additional data has been added by said adding means (unit) (IP protocol inherently calculates checksum [additional information] of source and destination address to be added to the header portion of data);

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3. **Claims 10 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiyama as applied to claims 1 and 14 above respectively, and further in view of Karighattam (6,594,776).

Ishiyama fails to describe reset means (unit) for resetting the first and second position information stored in said storage means (unit) when communication with said another apparatus is disconnected (col. 2, lines 25-29, where the switch = storage means (unit) and its address table containing MAC addresses [= COA/routing address information] for IP packets are resetted) for the purpose of further enhancing network link availability.

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to reset the routing (COA) position information of Ishiyama as in the system of Karighattam. The motivation is that it further enhances network link availability (Karighattam, col. 1, lines 57-58 & col. 2, lines 13-19).

Response to Arguments

4. Applicant's arguments filed on May 11, 2006 have been fully considered but they are not persuasive.

On p. 13, lines 7-8, the applicant asserts that the examiner misunderstood Ishiyama. The examiner respectfully disagrees.

On p. 13, lines 23-28 and p. 14, lines 1-2, the applicant claimed that the examiner is using COA2 of fig. 7 as "another position of the MN [MN2]", which fails to teach or suggest a second position information representing an initial position of another

information processing apparatus. Yet on p. 13, lines 15-17, the applicant acknowledges that the examiner regarded another viewpoint which is within the scope of the invention of the Ishiyama reference that there exist a communication between a local mobile (fig. 7, MN) and a remote mobile (fig. 7, where the CN becomes another mobile (MN)). The examiner believes that the applicant misunderstood the examiner's interpretation, because the examiner did not use COA2 of fig. 7 as the second position information. The examiner from the last Office Action replaces fig. 7's CN as the remote mobile (= another information processing apparatus with initial position), hence claiming the encapsulated packet of [Src: Haddr, Dst: CN] may be replaced as [Src: Haddr, Dst: "COA of such remote mobile"]. This "COA" replacing the "CN" of the encapsulated header is what the applicant mistakenly assumed as the COA2 being argued.

The examiner has rewritten the above rejection to use Ishiyama's preferred viewpoint of a fixed CN in order to simplify and clarify that the reference of Ishiyama is can still reject the claims 1 & 11-13. Note that the examiner's original viewpoint of assuming the CN of fig. 7 as a remote (instead of fixed) node can still render/meet all claim limitations.

On p. 14, lines 3-16 and p. 15, lines 1-3, the applicant argues that authentication is performed based on the initial IP address of the information processing apparatus and that Ishiyama lacks such description. The examiner respectfully disagrees.

The examiner noted that the applicant cited on p. 14, lines 15-16 of another subject matter (i.e. SA gateway update) which is not used by the applicant in rejecting the claimed authentication limitation. Instead, the examiner cites Ishiyama describing

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the use of IPSEC as the authentication (col. 10, lines 15-25) at the MN and CN of fig. 7 (each end of IPSEC tunnel), where a received packet is determined of its security association (authenticates) from 'dst' = (COA2 in fig. 7 message #7), based on the determination [means (unit)] of a change from COA1 (initial IP address) to COA2 (col. 8, lines 50-65). Unless the claim limitation specifically indicates that the authentication means (unit) is based on the initial IP address, the examiner can interpret that the "initial IP address" is directly used only during the first determining means (unit), and the authentication means (unit) is based on the first determining means (unit) (i.e. authentication need not be [directly] based on the initial IP address).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warner Wong whose telephone number is 571-272-8197. The examiner can normally be reached on 6:30AM - 3:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Warner Wong
Examiner
Art Unit 2616

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RICKY Q. NGO
SUPERVISORY PATENT EXAMINER